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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-seventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 71st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 20 November 2001, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Croatia (continued) (E/1990/5/Add.46; E/C.12/Q/CRO/1; E/C.12/CA/CRO/1; written replies to the list of issues, prepared by the Government of Croatia (document without a symbol); HRI/CORE/1/Add.32/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Croatia resumed their places at the Committee table.

Articles 7, 8 and 12 (continued)

2. The CHAIRPERSON invited the delegation of Croatia to reply to the questions still pending from the previous meeting, and to any follow-up questions.

3. Ms. KARAJKOVIĆ (Croatia) said that in 1997 and 1998, the Supreme Court had found in several judgements that an individual's right to strike did not derive from the collective right to strike established under Croatia's existing labour legislation, and that strikes called for the purpose of protesting against unpaid wages were therefore unlawful. Article 210 of the new Labour Act, however, established an individual right to strike in such cases.

4. Ms. CRNKOVIĆ (Croatia) said there were a total of 168 labour inspectors in Croatia, of whom 87 were responsible for monitoring implementation of the provisions of the Labour Act. With regard to overtime, a maximum of 330 hours could be worked annually, or 10 hours per week. The employer required authorization from the Labour Inspectorate before exceeding those limits.

5. Mr. RIEDEL, referring to the Government's reply to issue No. 27, said the list of goals of the National Heart Protection Programme was of particular interest, since it was always useful to be able to compare a State party's achievements with the targets it had set itself. He strongly recommended the State party to use the list as a benchmark in its second report to the Committee in order to assess the actual impact of the project on cardiovascular disease and, if the goals were not fully achieved, to pinpoint the reasons why.

6. Mr. SADI said he was pleased to see that the State party had rectified the situation arising out of the Supreme Court decision on the right to strike. It made him wonder, however, how relevant the Croatian judiciary found the Covenant and the Committee's jurisprudence in respect of the right to strike; he would welcome an assurance that the judiciary took both into account.

7. Mr. PILLAY asked the delegation to clarify which section of the Labour Act covered the right to strike in protest against unpaid wages: was it section 209 or 210? Had the original Supreme Court decision been overruled and could the State party assure the Committee that workers could now lawfully take strike action in an industrial dispute over unpaid wages without facing a claim for damages or dismissal?

8. Mr. ŽGANEC (Croatia) said that, at the time of the Supreme Court decisions, no provision had existed in law for strikes in protest against unpaid wages. Under section 210 of the new Labour Act, non-payment of wages was deemed sufficient reason to take strike action and workers who did so ran no risk.

9. Ms. KARAJKOVIĆ (Croatia) said the right to strike was now guaranteed under the law and the Constitution and no more such decisions were likely to be handed down. With regard to the direct application of the Covenant in the courts, she gave two examples of Constitutional Court judgements in which legislation on public utilities had been found not to comply with article 8 of the Covenant. There were other similar examples, which she would transmit to the Committee at a later date.

Articles 13-15

10. Mr. MARCHAN ROMERO said that Croatia, having been through war and ethnic conflict, was now on the road to national reconstruction. He wondered what measures the Government planned to take to promote a culture of peace and reconciliation that would enable all ethnic groups to participate in that process.

11. Mr. WIMER ZAMBRANO said that the head of the Croatian delegation, in presenting the Government's report, had mentioned the introduction of religious education in schools. He wondered how that was being handled in legal and practical terms, for although the majority of Croatians were Catholics, members of many other religious groups also sent their children to State schools. He would like to know what procedure was used in determining what kind of religious instruction to provide, and indeed which religion to teach.

12. Mr. RIEDEL, referring to the Government's reply to issue No. 32, said it seemed that teachers in Croatia were treated on a par with all other civil servants, including technical staff, at a time when many other European countries were discussing the possibility of establishing separate regimes for teachers and civil servants. Had Croatia found it unnecessary to differentiate between those categories under its new legislation? He would also welcome information on what specific short-term targets the Government had set for human rights education, and particularly for the teaching of economic, social and cultural rights in primary and secondary schools.

13. According to paragraph 413 of the report, there had been a steady increase in spending on education and culture up to 1995, and according to the Government's reply to issue No. 30, the same had been true of capital investment in schools up to 1999. Capital investment in education appeared to have dropped dramatically in 2000 and he wondered what the reason for that might be.

14. Lastly, he asked what percentage of teachers in State schools and universities were from minority groups. Taking into account efforts at national reconciliation, was it State policy that State schools should recruit an appropriate proportion of teachers from minority groups?

15. Mr. GRISSA said he would welcome information on trends in school drop-out rates by level of education (primary and secondary) and by sex, since independence. The report did not provide such data.

16. By contrast with the information given in paragraph 417 of the report, the Economist Intelligence Unit had found that education in Slavonia had proved contentious, with Serbs objecting to the imposition of the Croatian curriculum (E/C.12/CA/CRO/1, p. 16). It also appeared that some textbooks tended to use derogatory terms in reference to minorities (ibid.). He would welcome some information, not so much on what the law had to say on that point, but on how minorities were actually treated in textbooks. Differential treatment could easily lead to tension, hostility and conflict rather than peace and harmony.

17. Mr. PILLAY said that, according to information received, Croatia had been urged to adopt new legislation on telecommunications, but had not yet done so. The existing law did not guarantee the independence of the authorities responsible for issuing licences to private broadcasters and for monitoring compliance with broadcasting regulations. Did the Government intend to adopt any such new legislation?

18. Mr. SADI asked how ethnic minority schools were funded. In general, he believed the existence of such schools to be a double-edged sword: on the one hand, minorities had the right to be educated in their own culture and language; but, on the other, such measures could prove divisive. Did such ethnic distinctions contribute to reconciliation or sow the seeds of conflict? He wondered whether the authorities were aware of the risk that ethnic schools, far from fostering a spirit of national identity, might encourage the development of a ghetto mentality.

19. Mr. CEAUSU said that in Croatia, the education for tolerance and friendship referred to in article 13, paragraph 1, of the Covenant meant primarily friendship among the nations of what had formerly been Yugoslavia; yet it was hard for people to forget painful divisions. It was up to the political elite of those nations to promote harmony with their neighbours, and in that respect education from nursery school onwards had a vital role to play. The Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO) were concerned to help those nations to consult on their common history in order to arrive at a presentation of historical facts that would contribute to the education of young people in a spirit of tolerance and friendship. However, according to information from reliable sources, there were problems with the way in which each group portrayed the others in history textbooks. That was potentially very harmful to young people. Did the authorities intend to approach that problem in a European spirit of reconciliation among ethnic groups and neighbouring nations?

20. Referring to paragraph 417 of the report, he asked what criteria were applied when deciding whether to provide teaching in the language and culture of an ethnic or national community or minority: was there a requirement for a minimum number of students?

21. Lastly, he understood from the report that certain subjects were always taught in Croatian, even to students who were being taught in a minority language. Which were those subjects?

22. Mr. WIMER ZAMBRANO requested information on how public universities were funded, and what conditions applied to that funding. With regard to languages, he had seen a breakdown of the speakers of the various languages of Croatia, containing, among others, the categories "Croatian", "Croatian or Serbian" and "Serbian". He asked what the category "Croatian or Serbian" referred to.

23. The CHAIRPERSON said that, during the discussion, diversity had tended to be presented as problematic; she pointed out that UNESCO, at its recent General Conference, had adopted the Universal Declaration on Cultural Diversity, which took a more positive view. Article 2 of the Declaration, in particular, spoke of cultural pluralism as the policy expression of cultural diversity, indissociable from a democratic framework. As Mr. Sadi had said, it was a sensitive issue. At what point did diversity become division? Did diversity lead to division? How could diversity become a force for unity? She would welcome the delegation's comments.

24. Mr. SOČANAC (Croatia) said that the National Committee for Confidence Building Measures and National Reconciliation had been created to maintain peace and stability in Croatia. Like all governmental committees, it counted representatives of national minority groups among its members. The aim was to improve the situation for all members of Croatian society, particularly in areas where feelings continued to run high. A national committee to monitor discrimination would be established in late 2001 to follow up the work done in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. A number of measures had also been implemented to improve peace and stability in Croatia through the Stability Pact for South-Eastern Europe. The high number of missing persons was still a matter of concern, and joint meetings were being held with neighbouring States to improve the situation.

25. Ms. LENARDIC (Croatia) said that in order to foster cultural pluralism, it was important to focus on the positive elements of Croatia's cultural diversity. The Government had taken concrete steps to promote reconciliation: for example, a programme financed by the Government and using credit loans from the Council of Europe Development Bank had been launched to rebuild more than 300 schools and Croatian and Serbian churches that had been destroyed in the war. The Council of Europe social cohesion programme was also contributing towards a pilot project to build a multi-ethnic cultural centre in an area particularly severely damaged by the war. The World Bank was providing financial and technical assistance not only to promote social cohesion but also to establish the economic preconditions for a sustainable livelihood. Non-governmental organizations (NGOs) were also contributing to the promotion of reconciliation in areas affected by the war.

26. Mr. LJUBIĆ (Croatia) said that the Croatian Government considered education to be the linchpin to the country's transition to democracy. The Government's education policy was based on several principles: first, respect for ethnic minorities and human rights; second, decentralization of the funding and management of the education system; and third, the need to

mobilize public and private resources in the field of education. In 1999 the Government had launched a comprehensive programme to reconstruct the education system. Any assessment of the situation should take into account the fact that the programme was still in its early stages.

27. An Act on Education in the Language and Script of National Minorities had been adopted in May 2000, guaranteeing the right to education in a minority language at all levels of education. It was important to note that the new Act conformed with international standards and did not detract from any of the rights previously acquired by minority groups. Under the new Act, regulations governing the establishment of schools providing teaching in the language of a national minority were more lenient than those for schools providing tuition in the Croatian language only. Some of the teachers and members of the governing bodies of schools offering tuition in national minority languages must belong to the national minority concerned. Such schools were wholly funded by the State. School textbooks and curricula used for teaching minority groups were always prepared after consultation with the relevant minority associations.

28. In reply to a question by Mr. Sadi, he stressed that the Government was extremely careful to avoid any measures that might encourage a ghetto mentality. He acknowledged that sporadic incidents of violence against ethnic minorities occurred, particularly in Eastern Slavonia, and that they merited the Government's attention; such incidents did not, however, reflect the State party's policy in that area. Efforts were being made to improve the situation.

29. The right to religious education was guaranteed by law. Religious instruction was available in 46 kindergartens and pre-school facilities as well as in some primary and six secondary schools, and was co-funded by the Government. An agreement had been concluded with the Holy See, and a bill was being drafted to regulate the legal status of religious communities, the provisions of which would be subject to the approval of representatives of the various communities affected.

30. A new bill on textbooks was being prepared, to supersede the existing legislation, which dated back to 1978. The Government had decided not to withdraw textbooks with questionable contents because the issue was closely linked to that of curricula and syllabuses. Teachers continued to have the right to choose the textbooks they used in the classroom, although the Ministry of Education provided some guidelines.

31. The issue of the budgetary allocation for education continued to be a matter of concern. Eighty per cent of the budget went towards teachers' salaries and most of the remainder went to operating costs, leaving very little for capital expenditure or investment. The Government had begun to decentralize the system of funding for education, in an attempt to find a long-term solution to the problem. Meanwhile, the arrangements for funding salaries were having an adverse effect on teachers' morale.

32. The national programme for human rights education had been adopted on the basis of international recommendations. It was comprehensive and available to pupils at pre-school and early primary school level. Human rights could also be studied as an optional subject. In order for the programme to be implemented effectively, a series of seminars and training programmes had been developed for teachers. Detailed statistics could be provided, if necessary, at a later date.

33. Ms. HUNJET (Croatia) said that higher education was available in universities and vocational schools. Government funding for higher education included a contribution to students' living expenses. The 2001 budget contained appropriations for operating costs, supplies, energy, utilities, subsidies, and capital investment in institutions. The Ministry of Science and Technology funded the construction and maintenance of universities, colleges and institutes. Although appropriations for capital investment were based on the number of faculties and students in each institution, attention would also be paid to providing more funding to schools in less developed areas. The Ministry of Science and Technology also offered scholarships to eligible students.

34. Under the law, all Croatian nationals and foreigners were permitted to enrol in a university under the same conditions. Education was conducted in Croatian or in a foreign language if the charter of the institution so provided. Two programmes offered higher education in minority languages: one in Pula, to prospective teachers of Italian; and one in Zagreb, to prospective teachers of Serbian.

35. The Government was also preparing to launch interdisciplinary human rights programmes at institutions of higher education throughout the country. In addition, it was formulating a new law on higher education, which would provide funds to institutions in accordance with the quality of the teaching dispensed. The new law would lift restrictions on private polytechnic schools, and relieve the Government of responsibility for funding such schools. It was hoped that those schools would increase competition between institutions of higher learning. The new law envisaged greater mobility for faculties and students, a harmonization of the student evaluation system and compatibility with European educational standards. European integration was one of Croatia's key goals, and the Government intended to introduce methods of teaching and evaluation that conformed to the terms of the Bologna Declaration, to which it had acceded in May 2001.

36. Mr. SOČANAC (Croatia) said the Government was aware of the shortcomings of the existing telecommunications law, which failed to ensure the independence of authorities responsible for issuing licenses and frequencies to private broadcasters and for monitoring compliance with broadcasting regulations. Croatia was negotiating with the Council of Europe on a new telecommunications law, which in due course would be submitted to the Croatian Parliament for adoption.

37. Mr. SADI inquired whether all minorities were covered by minority education programmes, since under Croatian law an ethnic group had to constitute at least 8 per cent of the population to qualify as a minority. He would also like to know whether human rights education in Croatia focused on national reconciliation. In that regard, he requested the State party to provide illustrations of the content of human rights lessons for young children.

38. Mr. CEAUSU, noting that the delegation had mentioned the right of teachers to choose what textbooks they used, pointed out that teaching materials must also comply with the State party's obligations under international law.

39. Mr. ŽGANEC (Croatia) said that the 8 per cent requirement related only to the election of minority members of Congress, and not to any other area of law.

40. Mr. LJUBIĆ (Croatia) said that the provisions of the Act on Education in the Language and Script of National Minorities applied to all members of ethnic minorities, regardless of the size of that minority in relation to the total population. National reconciliation was one of the key goals of the national human rights education programme. Worthy of mention was the Peace School in Mrkopalj, which predated the adoption of the national programme; students and teachers from diverse ethnic backgrounds were invited to participate in its programme, as were children of displaced persons and children orphaned by the war. The Government was endeavouring to make the human rights programme an integral part of day-to-day education throughout Croatia.

41. Mr. PILLAY noted the delegation's claim that there was no discrimination against minority groups in Croatia. In that regard, he would like to know why Muslims, Albanians and Slovenians were not considered minorities under the Constitution.

42. Ms. KARAJKOVIĆ said that the Constitution did not enumerate all national minorities and made no mention of Muslims as such. Bosniaks and Slovenians were referred to in the existing Constitutional Law on Minority Groups; however, in accordance with the recommendations of the Council of Europe and of Croatian experts, the new constitutional law on minorities currently being drafted would not explicitly name any minority groups: the law would provide a general definition of minorities and promote the development of minority cultures, languages and religions.

43. The table of languages referred to by Mr. Wimer Zambrano was based on statistics compiled in 1991, at a time when Serbo-Croatian had been considered a language. The Government had taken a new census in 2001, which had treated Croatian and Serbian as separate languages. Those statistics would be ready in early 2002.

44. Mr. ŽGANEC said that the initial report of Croatia covered a period of 10 years during which the internal and external conditions of that country had changed several times. The preparation of the report had therefore been a challenging task. The delegation had been impressed by the interest of Committee members in issues of considerable historical complexity, and he was convinced that the Committee's concluding observations would be useful to Croatia in its efforts to fulfil its obligations under the Covenant.

45. It was important to bear in mind that some of the information on which the Committee members had relied dated from the pre-war period. Although it offered some insights, it was outdated and sometimes inaccurate. Thus, for instance, in consideration of the widely recognized progress Croatia had made in improving the situation of human rights, the mandate of the Special Rapporteur of the Commission on Human Rights for Croatia had been discontinued.

46. He hoped that the Committee would make an objective assessment of the human rights situation in Croatia, in view of the obstacles facing that country, most of which were economic

in nature. The Government did not disregard the existing problems, but sought to confront them in a creative and constructive manner. In so doing, it would be guided by the provisions of the Covenant, with a view to progressively achieving full realization of the rights enshrined therein.

47. The CHAIRPERSON thanked the delegation for a fruitful and constructive dialogue. It was to be hoped that the Committee's concluding observations would assist Croatia in ensuring the enjoyment of economic, social and cultural rights in that country; she therefore requested the reporting State to inform the Committee in its second periodic report of the measures it had taken to respond to those concluding observations.

48. The delegation of Croatia withdrew.

The public part of the meeting rose at 12.50 p.m.